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ABSTRACT

This Congressional report presents and examines the Adult Education Act Amendments of 1984. The Adult Education Act Amendments of 1984 are designed to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs and also to amend certain stipulations of the act regarding educational research and evaluation, demonstration projects, programs for the elderly, State and National advisory councils on adult education, and educational opportunities and programming for adult American Indians and adult immigrants. Included in the report are the findings of an assessment of the need for these amendments, a statement of their purpose, their legislative history, a section-by-section analysis, committee views, an estimate of their cost and impact, and a discussion of the changes that they will effect in existing law. (MN)

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98TH CONGRESS
2d Session

SENATE

REPORT
98-503

ADULT EDUCATION ACT AMENDMENTS OF 1984

JUNE 6, 1984.—Ordered to be printed

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

[To accompany S. 2496]

The Committee on Labor and Human Resources, to which was referred the bill (S. 2496) to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

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I. FINDINGS

The United States is confronted with an increasing population of functionally illiterate adults as defined by the simplest tests of everyday reading, writing and comprehension. As a result, we face a serious problem which affects all segments of our society. This crisis prohibits the U.S. from fully advancing into the technological age and certainly prevents us from participating at full capacity in the world economy. The federal government is attempting to aid the States in alleviating this problem through the Adult Education program.

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The 1983 report by the National Commission on Excellence in Education found that some 23 million American adults are functionally illiterate. Moreover, close to 1 million teenagers drop out of high school each year, many of whom lack the basic skills to either be considered literate or to function effectively in today's society. While some of these people may be currently employed, or have always been able to find employment, they are not producing at their full ability and are certain to have difficulties if they were to become displaced and seek employment in other areas. Additionally, the Committee notes that refugees and immigrants with little or no facility with the English language are entering the United States at an accelerating rate. Each population brings with it a different cultural, and social experience that often causes it to form its own subsociety wherein people can hide their lingual difficulties. The job training and continuing education programs currently available mean little to a person who cannot read or write. In order to become self-sufficient, these people need a program to provide them with a minimum level of skills.

As a result of the increasing level of illiteracy in the US today, the annual cost to the federal government in the form of welfare programs and unemployment compensation has been estimated at over $6 billion. The actual figure may be much higher. This estimate does not even include those tax revenues lost by the government as a result of increased unemployment. In light of the fact that 75 percent of all Americans out of work today have inadequate reading and writing skills, it is this Committee's belief that any efforts we can make to reduce this problem are clearly in the nation's best interest.

Therefore, it is the Committee's intention to help with the problem of adult illiteracy by strengthening the existing adult education program and by taking into consideration the special needs of today's population. We believe that the Adult Education Act is an essential component in federal, state and local efforts to combat illiteracy in America.

II. Statement of Purpose

It is the purpose of this bill to modify the existing Adult Education Act (AEA) by taking into consideration the changing needs of the illiterate adult population in the United States. While there is no question that the AEA has been successful, the hearings held by the Subcommittee in March of this year demonstrate the need for certain changes. These amendments, in the form of S. 2496, make the necessary changes in the existing Adult Education Act.

III. Legislative History

On March 12, 1984 the Subcommittee on Education, Arts and Humanities held a hearing on the topic of Adult Education in America and potential amendments to the Adult Education Act. Testimony was heard from nine witnesses representing a variety of perspectives: Adult Education Students, the Administration, National Directors, and State and Local Directors of Adult Education Programs. Following the hearing, Senator Quayle introduced the

Administration's proposal (for himself, Senators Stafford, Hatch and Hawkins) on March 29, 1984.

The bill was subsequently considered at the Subcommittee Executive Session on April 12, 1984. After amendment, the Subcommittee on Education, Arts and Humanities favorably reported the legislation. The committee favorably reported S. 2496, as amended, on May 2, 1984.

VOTES IN SUBCOMMITTEE

Senator Stafford offered a package of technical amendments on behalf of the Subcommittee members. For the most part, these changes simply clarified and updated the Act. Among the substantive changes was language excluding profit making organizations from competing for the State grant money but allowing them to participate in the Secretary's Discretionary program. The Subcommittee amendment also reinstated the Federal/State match of 90:10 and the maintenance of effort requirement, as well as provided new language for the Secretary's Discretionary program. Senator Stafford then offered an amendment on behalf of himself and Senator Pell authorizing funding for the Secretary's discretionary program (5 percent of the total appropriation) once the appropriation for Adult Education reaches $112,000,000.

Senator Pell offered an amendment on behalf of himself and Senator Stafford which increased the authorization of this program from $100,000,000 to $140,000,000.

Finally, Senator Quayle offered an amendment providing a one year waiver, in unusual circumstances, of the maintenance of effort requirement.

These amendments were passed in bloc by a vote of 11 to 0, as follows:

Yeas

Quayle
Denton
Weicker*
East*
Kennedy*
Randolph
Pell
Eagleton
Dodd*
Stafford
Hatch*

* By proxy.

VOTES IN COMMITTEE

Senator Hatch offered an amendment which would allow profit making organizations to enter into contractual agreements with SEA's for the provision of services. This amendment recognizes a provision of existing regulations. The Committee passed this amendment by unanimous consent.

Senator Stafford offered an amendment, on behalf of Senator Pell and himself, to change the allotment formula to distribute the

funds among the States and Territories in a more equitable manner. Under this allotment formula, each territory would receive a base grant of $100,000 and each state would receive a base grant of $250,000. The remainder would then be divided according to population (the same criteria as is in current law). The Committee passed this amendment by unanimous consent.

Finally, Senator Quayle offered an amendment which changes the age of eligibility to those over 16 years of age or beyond the age of compulsory school attendance whichever it less. This amendment also passed by unanimous consent.

The Bill, as amended, was reported out of the Committee on Labor and Human Resources by unanimous consent.

IV. Section-by-Section Analysis

Section 1 of the bill cites the Act as the "Adult Education Act Amendments of 1984."

Section 2 amends section 302 of the Adult Education Act (20 U.S.C. 1201 et seq.) by inserting "literacy" after "basic" and "and education" after "training" in the statement of purpose.

Section 3(a) amends Section 303(a) of the act by changing the definition of adult to include those over 16 years of age or beyond the age of compulsory school attendance.

Section 3(b) amends section 303(b) of the act by changing the definition of adult education to include instruction or services below the college level for adults who do not have (1) basic skills to enable them to function effectively in society or (2) a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education.

Section 3(c) amends section 303(d) of the act by clarifying that the term "Secretary" means the Secretary of Education.

Section 3(d) amends section 303(g) of the act by defining the term "State" as including the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Section 3(e) amends section 303(j) of the act by defining the term "institution of higher education" as the same definition as found in section 481 of the Higher Education Act of 1965.

Section 3(f) of the act amends the entire act by changing the word "Commissioner" each time it appears and inserting in lieu thereof "Secretary" except the second time it appears in section 311(c). It also amends section 308(b) by striking out the term 'Commissioners' and inserting in lieu thereof "Secretary".

Section 4(a) amends section 304(a) of the act by changing the phrase "establishment of expansion" to "establishment or expansion" and by striking out the word, "non profit" each time it appears.

Section 4(b) amends section 304(a) by renumbering the paragraphs and adding at the end,

> Whenever the establishment or expansion of programs is carried out by a profit making agency, organization, or institution, the State educational agency or eligible applicant shall enter into a contract with such agency, organi-

zation, or institution, for the establishment or expansion of such program.

Section 5 amends section 305(a) of the act by changing the allotment formula so that each territory receives a base grant of $100,000 and each State receives a base grant of $250,000. The remainder is then divided according to need; that is to say, according to the number of resident 16 years of age and above without a high school diploma or equivalent and not currently enrolled in school as a ratio of the number of such adults in the United States. A provision has also been added stating that no State shall receive an allotment after fiscal year 1984 which is less than that State was allocated from funds appropriated in fiscal year 1984.

Section 6(a) amends section 306(a)(1) of the act by changing the section number of the GEPA which must be followed for filing an application (strike out section 434 and insert in lieu thereof section 435.)

Section 6(b) amends section 306(b) of the act by striking clause 14 and (1) adding a new clause which states that the State plan must provide, "information about the State's adult education students, programs, expenditures, and goals as the Secretary may require, together with information with respect to the age, sex and race of students in the programs assisted under this Act and whether the students complete such programs; and provide such further assurances and information as the Secretary may require."

Section 7 amends section 307(b) of the act by adding a new paragraph (2) which states that the Secretary may waive, for one fiscal year only, the maintenance of effort requirements if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or precipitous and unforeseen decline in the financial resources of the State educational agency.

Section 8 amends section 308 of the act by striking the entire section and in its place adding a new section which states that when the Secretary has reason to believe that the State has failed to comply substantially with any provision of the State plan, the Secretary may take action under sections 453 and 454 of the GEPA.

Section 9 amends section 309 of the act by striking out the entire section and inserting a new section which states (a)(1) that the Secretary may use funds set aside under section 314(b) to support applied research, development, demonstration, dissemination, evaluation and related activities which will contribute to the improvement and expansion of adult education in the United States. These activities may include (A) improving adult education opportunities for elderly persons and adult immigrants, (B) evaluating educational technology and computer software suitable for providing instruction to adults, and (C) supporting exemplary cooperative adult education programs which combine the resources of businesses, schools and community organizations.

Section 309(a)(2)(A) states that the Secretary may support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals, including business concerns.

Section 309(a)(2)(B) requires that if and when the Secretary enters into an agreement or contract with any private for profit institution, agency, organization, individual or business concern, the Secretary shall assure that participants in the program assisted under the program are not charged for their participation.

Section 309(b) allows that Director of the National Institute of Education may, with funds set aside under section 314(b) of this Act, support research on the special needs of individuals requiring adult education, either directly or through grants to, or contracts with, public or private institutions, agencies or organizations or individuals.

Section 10 repeals sections 311 and 318 of the Act, and redesignates the remaining sections accordingly. Section 431A of GEPA is also repealed.

Section 11 amends section 311 of the Act by striking the entire section and inserting in lieu thereof the following, "Any State may use funds granted under section 304 to support a State advisory council which assists the State educational agency to plan, implement, or evaluate programs or activities assisted under this Act."

Section 12 amends section 312 of the Act by striking out "1984" and inserting in lieu thereof "1989."

Section 13 amends section 314 of the Act by (a) striking out the entire section and authorizing $140 million for fiscal year 1985 and such sums as may be necessary for each of the four succeeding fiscal years.

Section 314(b) allows for a Discretionary fund of 5 percent of total appropriation, once the appropriation reaches $112 million.

Section 14 states that the provisions of this Act shall take effect on July 1, 1985.

V. Committee Views

(1) FUNDING

In recent years, national awareness and concern about the problem of adult illiteracy has increased substantially. It is now known that there are some 25 million illiterate adults in our Nation. With that in mind, the Committee voted to increase authorization for this program from $100 million to $140 million. While we certainly do not believe that this increase of $40 million will take care of the massive problem with which we are faced, the Committee does find this to be an important first step and one which will demonstrate the federal government's commitment to helping the States overcome this tremendous problem.

The Committee also changed the distribution formula for the appropriated funds. Under current law, the territories receive 1 percent of the total appropriations. As a result, each territories receives from $7.00 to $16.00 per person, while the States each receive approximately $1.63 per person. The Administration's bill, as introduced, eliminated this setaside and instead gave the territories a base grant of $50,000. It is this Committee's view that this proposal represents too drastic a cut. The alternative, as accepted in full Committee markup, is a compromise between the two formulas. It gives a base grant of $100,000 to the territories and $250,000

to each State. The remainder is then divided according to the number of eligible residents in the State 16 years of age or older without a high school diploma, or equivalent, not currently enrolled in school.

It is this Committee's intent that each state shall be held harmless from any loss of appropriations as a result of the change in formula. The Committee further intends that no state shall be alloted in any fiscal year after September 30, 1984 an amount less than that state was allocated from funds appropriated in fiscal year 1984.

(2) INTENT CLARIFIED

It is the intent of this committee to clarify the purposes of the adult education act. The committee recognizes the immense problem adult face in our society if they lack the fundamental skills that are requisite to all types of jobs—the ability to read, write, converse clearly, and do basic mathematical calculations. Moreover, without these skills, adults are not able to take advantage of self-improvement resources available in our communities such as libraries, and media centers.

Therefore, the Committee finds that it is in the interest of our nation for the federal government to join with state and local agencies, public and private, in making greater basic education resources available to those who need them not only to enhance their employment, but to enrich their lives.

The Committee also finds that current law, with the age eligibility requirement of 16 years or older for participation in programs funded under this act, is too rigid and fails to recognize the various compulsory school attendance requirement of many states which permit youngsters to leave the full time school at a lower age. For that reason, the eligibility requirement for participation is changed to that of age 16, or beyond the age for legally leaving the full time school, which ever is lower. The Committee feels that this action will eliminate conflicts with state practices, and open the program to more individuals.

(3) SERVICE PROVIDERS

By striking the word "non profit" in Section 304 and by changing the definition of "Institution of Higher Education" in Section 303(i), the Committee intends to increase the participation of private profit making organizations already participating in this program under the current regulations. The Committee does not, in any way, intend for this to be taken as excluding nonprofit organizations, which we view as the main providers of service under this act. Under current law, profit-making organizations or institutions are not eligible for direct grants. However, under the current regulations, if the State Education Agency (or equivalent) believes that such an institution not currently eligible for a subgrant is best able to provide these services, the SEA can enter into a contractual arrangement with that institution. This has resulted in some very successful programs operated by proprietary schools in a few states and, therefore, it is this committee's intention to bring current practices into current law. The committee believes that the Adult

Education Act is too small to be opened up for competition to all private, profit-making organizations under the state grant program. However, we do recognize the potential role these organizations play in eliminating illiteracy in the United States and thus hope to help support programs good through grants from the Secretary's Discretionary fund as well through contractual arrangments for subgrants involving profit-making institutions.

(4) SECRETARY'S DISCRETIONARY FUND

Although the Committee believes that programs, currently supported by the AEA are successful, we have found that there are many instances where the States cannot afford to develop, or experiment with, new programs. Thus we find a need for a federal research and development authority to carry out activities to improve the state-of-the-art in adult education. Activities would include research on the most effective instructional approaches (i.e. using new technology and computer information currently available), delivery systems (combining efforts of businesses, schools and the community), and the development, demonstration, evaluation and dissemination of information of such programs. These may include programs of those special populations who, by the definition of adult, are eligible to compete for State grants but may have special needs or inherent difficulties which make them harder to serve. Under current law both the elderly and adult immigrants had special titles which, although unfunded, provided funds for their special populations. By eliminating these special titles, the Committee does not intend to understate their need; rather, we hope to increase the participation of these groups in both the State grants and in the Secretary's discretionary fund. By delaying the funding of this program until the appropriation reaches $112 million we are ensuring that money will be appropriated to carry out programs under the Secretary's discretionary fund, only after current service populations are met. The $112 million figure allows for an increase to continue current services as well as provision for the set-aside for the Secretary's Discretionary Fund.

(5) FEDERAL-STATE MATCH AND MAINTANENCE OF EFFORT REQUIREMENT

The Committee reinstated the maintenance of effort requirement as well as the State: Federal match. Through testimony received at the March 20th hearing as well as in conversations with many State and local program directors, we have come to the conclusion that these requirements are largely responsible for the rapid increase in State and local funds spent on adult education. The Committee is concerned that a combination of difficult economic times and the lack of political clout on the part of adult education students could result in a significant reduction of state support if these match and maintenance of effort requirements are dropped. However, at the hearing it was also reported that, because of the strict interpretation of the maintenance of effort requirement, some states have incurred hardships. In 1982, a State which has overmatched federal adult education funds by some 200 percent encountered financial difficulties caused by a reduction in tax reve-

nues, high unemployment and balanced budget requirement. This resulted in a one time reduction in the level of state funding for adult education which may lead to a loss of Federal adult education funds for at least one year. Because the Committee finds this to be somewhat harsh, we have approved an amendment which allows the Secretary to waive, for one fiscal year only, the requirements of maintenance of effort if the circumstances are due to exceptional or uncontrollable events in the State.

(6) DATA COLLECTION

It has been the Committee's discovery that data collection has ben substantially lacking in the past few years. In our March 20th hearing, Secretary Bell testified that the information the Department's currently using on students, programs, and expenditures was supplied by the University of Texas quite a few years ago, and hence, is out of date. Without current data collection the Department cannot hope to keep track of the impact of the federal funds spent. Therefore, the Committee has added language to the bill which will require that the States provide such information as the Secretary may require about the Adult Education programs, expenditures, goals, students and whether they meet such goals.

VI. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 11, 1984.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2496, the Adult Education Act Amendments of 1984, as ordered reported by the Senate Committee on Labor and Human Resources on May 1, 1984.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2496.
2. Bill title: Adult Education Act Amendments of 1984.
3. Bill status: As ordered reported from the Senate Committee on Labor and Human Resources on May 1, 1984.
4. Bill purpose: The purpose of this bill is to amend and extend through 1989 the authorization of appropriations for the Adult Education Act. This bill is subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1985	1986	1987	1988	1989
Adult education:					
Authorization level	140	148	157	167	177
Estimated outlays	4	113	147	156	166

The cost of this bill falls in function 500.

Basis of estimate

The authorization level for 1985 is the level specifically stated in the bill. the outyear authorization levels reflect the stated 1985 level adjusted by CBO's current projection of price increases.

Estimates outlays assume full appropriation of authorized levels and reflect the current program spending pattern.

6. Estimated cost to State and local governments: Adult education grants to states in 1985 are authorized at $133 million after the Secretary's set aside. This is an increase of $33 million from 1984 funding levels. These programs have a 10 percent matching requirement. If fully funded, the matching requirement would increase by $4 million in 1985. Since non-federal sources represent more than 50 percent of the funds expended for adult education, the matching requirement could be met with existing resources.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VII. Regulatory Impact Statement

In accordance with paragraph 5(a) of rule XXIX of the Standing Rules of the Senate concerning the regulatory impact of the proposed legislation, the Committee provided the following evaluation of the acticipated additional paperwork and other regulatory impact that would result from the implementation of S. 2496.

A. ESTIMATED NUMBER OF INDIVIDUALS AND BUSINESSES REGULATED AND THEIR GROUP OR CLASSIFICATION

With the change in eligibility requirements more than 3 million additional individuals will be eligible to participate and hence, could be subject to current regulations. Current eligible population is 61 million. Although the program will be opened to profit-making organizations under this new legislation, the language is the same as that in current regulations and, therefore, the Committee does not anticipate that any new classification of businesses in the private sector would become subject to regulations as a result of this legislation.

B. IMPACT OF THE ACT ON PERSONAL PRIVACY

This legislation would have minimal impact on personal privacy. Students would be required to provide additional information to

the directors of the programs such as age, sex, race and goals. The Committee believes that this information is important for efficient programming and that it will have no adverse impact on the students.

C. ADDITIONAL PAPERWORK, TIME AND COSTS

Local program directors may have an increase in paperwork & time with the increase in eligible population and the additional data collection requirements. However, the Committee believes that these additional efforts will not be prohibitive and will work to make the federal funds more efficiently spent.

D. ECONOMIC IMPACT OF SUCH REGULATIONS ON INDIVIDUALS OR BUSINESSES

Federally appropriated funds for the Adult Education Act will now be available for profit making organizations wishing to participate in the program on a contractual basis.

VIII. Family Fairness Impact Statement

The Committee feels that reauthorization of S. 2496, the Adult Education Act, could affect the family. By maintaining these programs and thereby eliminating adult illiteracy in the United States, the Committee hopes to promote the participation of adults in their children's education. Because this participation is essential to a quality educational experience, we believe that S. 2496 will have a positive impact on the family. Eliminating illiteracy could also provide adults with improved communications within the family.

IX. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standard Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SHORT TITLE

SEC. 301. This title may be cited as the "Adult Education Act".[1]

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will—

(1) enable all adults to acquire basic *literacy* skills necessary to function in society,

(2) enable adults who so desire to continue their education to at least the level of completion of secondary school, and

(3) make available to adults the means to secure training *and education* that will enable them to become more employable, productive, and responsible citizens.

DEFINITIONS

SEC. 303. As used in this title—

(a) The term "adult" means any individual who has attained [the age of sixteen] *16 years of age or who is beyond the age of compulsory school attendance under State law.*

(b) The term "adult education" means services or insturuction below to the college level (as determined by the Secretary), for adults *who do not have*—

[(1) lack sufficient mastery of basic educational skills to enable them to function effectively in society or who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

[(2) are not currently required to be enrolled in schools.]

(1) the basic skills to enable them to function effectively in society; or

(2) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).

(c) The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

[(d) The term "Commissioner" means the Commissioner of Education.]

(d) The term "Secretary" means the Secretary of Education.

(e) The term "Community school program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and governmental agencies to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community.

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in

public schools therein, such term means such other board or authority.

[(g) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico and (except for the purposes of section 305(a)) Guam, American Samoa, the Trust Territory of the Pacific Islands, the Nothern Mariana Islands and the Virgin Islands.]

(g) The term "State includes, in addition to the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer disignated for the purposes of this title by the Governor.

(i) The term "academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(j) The term "institution of higher education" means any such institution as defined by [section 801(e) of the Elementary and Secondary Education Act of 1965.] *section 481 of the Higher Education Act of 1965.*

GRANTS TO STATES

SEC. 304. (a)(1) The [Commissioner] *Secretary* is authorized to make grants to States which have States plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of [1](*a*) the establishment [of] *or* expansion of adult basic education programs to be carried out by local educational agencies and by public or private [non-profit] agencies, organizations, and institutions and [(2)](*b*) the establishment [of] *or* expansion of adult education programs to be carried out by local educational agencies and by public or private [nonprofit] agencies, organizations, and institutions. Grants provided under this section to States to carry out the programs described in the preceding sentence may be carried out by public or private [nonprofit] agencies, organizations, and institutions only if the applicable local educational agency has been consulted with and has had an opportunity to comment on the application of such agency, organization, or institution. The State educational agency shall not approve any application unless assured that such consultation has taken place. Such application shall contain a description of the cooperative arrangements that have been made to deliver services to adult students.

(2) Whenever the establishment or expansion of programs is carried out by a profit-making agency, organization, or institution, the State educational agency or eligible applicant shall enter into a con-

tract with such agency, organization, or institution, for the establishment or expansion of such programs.

(b) Not more than 20 per centum of the funds granted to any State under subsection (a) for any fiscal year shall be used for the education of institutionalized individuals.

ALLOTMENT FOR ADULT EDUCATION

SEC. 305. (a) [From] *Subject to the last sentence of this subsection, from* the sums available for purposes of section 304(a) for the fiscal year ending June 30, 1972, and for any succeeding fiscal year, the [Commissioner] *Secretary* shall allot (1) [not more than 1 per centum thereof among] *$100,000 each to* Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) [$150,000] *$750,000* to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States. From the sums available for purposes of section 304(a) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the [commissioner] *Secretary* shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1960. *No State shall be allotted in any fiscal year after September 30, 1984, an amount less than that State received for fiscal year 1984.*

(b) the portion of any State's allotment under subsection (a) for a fiscal year which the [Commissioner] *Secretary* determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the [Commissioner] *Secretary* shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the [Commissioner] *Secretary* estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be primarily reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

STATE PLANS

SEC. 306. (a) A State shall be eligible to receive its allotment under section 305 if—

(1) it has on file with the [Commissioner] *Secretary* a general State application under section [434] *435* of the General Education Provisions Act, and

(2) it has submitted to the [Commissioner] *Secretary* at such times (not more frequently than one every three years), and in

such detail, as the [Commissioner] *Secretary* shall prescribe a State plan meeting the requirements of subsection (b).

(b) A State plan under this title shall—

(1) set forth a program for the use of funds provided under this title to carry out the purposes stated in section 302 with respect to all segments of the adult population in the State, including residents of rural areas, residents of urban areas with high rates of unemployment, adults with limited English language skills, and institutionalized adults;

(2) provide for the administration of the program by the State educational agency;

(3) describe the procedures the State will use to ensure that in carrying out such program there will be adequate consultation, cooperation, and coordination among the State educational agency, State manpower service councils, State occupational information systems, and other agencies, organizations, and institutions in the State which operate employment and training programs or other educational or training programs for adults; and for coordination of programs carried on under this title with other programs, including reading improvement programs, designed to provide reading instruction for adults carried on by State and local agencies;

(4) identify (A) the needs of the population of the State for services authorized under this title, (B) the other resources in the State available to meet those needs, and (C) the goals the State will seek to achieve in meeting those needs over the period covered by the plan;

(5) provide that such agency will make available not to exceed 20 per centum of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school;

(6) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and public or private nonprofit agencies, organizations, and institutions);

(7) describe the means by which the delivery of adult education services will be significantly expanded through the use of agencies, institutions, and organizations other than the public school systems, such as business, labor unions, libraries, institutions of higher education, public health authorities, antipoverty programs, and community organizations;

(8) describe the means by which representatives of business and industry, labor unions, public and private educational agencies and institutions, churches, fraternal and voluntary organizations, community organizations, State and local manpower and training agencies, and representatives of special adult populations, including residents of rural areas, residents of urban areas with high rates of unemployment, adults with limited English language skills, and institutionalized adults, and other entities in the State concerned with adult education have been involved in the development of the plan and will continue to be involved in carrying out the plan, especially

with regard to the expansion of the delivery of adult education services through those agencies, institutions, and organizations;

(9) describe the efforts to be undertaken by the State to assist adult participation in adult education programs through flexible course schedules, convenient locations, adequate transportation, and meeting child care needs;

(10) provide that special emphasis be given to adult basic education programs except where such needs are shown to have been met in the State;

(11) provide that special assistance be given to the needs of persons with limited English proficiency (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) by providing a bilingual adult education program of instruction in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, carried out in coordination with programs of bilingual education assisted under title VII and bilingual vocational education programs under the Vocational Education Act of 1963;

(12) demonstrate that the special educational needs of adult immigrants in the State have been examined, and provide for the implementation of adult education and adult basic education programs for immigrants to meet existing needs;

(13) set forth the criteria by which the State will evaluate the quality of proposals from local agencies, organizations, and institutions; [and]

[(14) provide such further information and assurances as the Commissioner may by regulation require, including information regarding the extent to which the goals of the program have been achieved during the preceding three years.]

(14) provide such information about the State's adult education students, programs, expenditures, and goals as the Secretary may require, together with infomation with respect to the age, sex, and race of students in the programs assisted under this Act and whether the students complete such programs; and

(15) provide such further assurances and information as the Secretary may require.

(c) The [Commissioner] *Secretary* shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

PAYMENTS

SEC. 307. (a) *(1)* The Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to that State. The Federal share shall be 90 per centum of the cost of carrying out the State's programs, except that with respect to Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Federal share shall be 100 per centum.

(2) The Secretary may waive, for one fiscal year only, the requirements of paragraph (1) of this subsection, if the Secretary deter-

mines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State educational agency.

(b) No payment shall be made to any State from its allotment for any fiscal year unless the [Commissioner] *Secretary* finds that the fiscal effort per student or the amount available for expenditure by such State for adult education from non-Federal sources for the preceding fiscal year was not less than such fiscal effort per student or such amount available for expenditure for such purposes from such sources during the second preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

OPERATION OF STATE PLANS: HEARINGS AND JUDICIAL REVIEW

[SEC. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

[(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

[(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

[(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part,

any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner action.]

ADMINISTRATION OF STATE PLANS

SEC. 308. Whenever the Secretary has reason to believe that in administrating its State plan, a State has failed to comply substantially with any provision of that State plan, the Secretary may take appropriate action under sections 453 and 454 of the General Education Provisions Act.

[RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION, AND INFORMATION CLEARINGHOUSE

[SEC. 309. (a)(1) Subject to appropriations under this section, the Commissioner shall directly, and through grants and contracts with public and private nonprofit agencies, institutions, and organizations, carry out a program—

[(A) to develop new and promising approaches and innovative methods which are designed to address those problems and which may have national significance or be of special value in promoting effective programs under this Act, including one-year grants to States to plan for the expansion of their systems for the delivery of adult education services;

[(B) to determine, using appropriate objective evaluation criteria, which projects and approaches assisted under clause (A) and under section 310 of this Act have achieved their stated goals and are capable of achieving comparable levels of effectiveness at additional locations; and

[(C) to disseminate throughout the Nation information about those approaches or methods pertaining to adult basic education which are most effective, by establishing and operating a clearinghouse on adult education which shall collect, select, and disseminate to the public information pertaining to the education of adults, those approaches and methods of educating adults which are most effective, and ways of coordinating adult education programs with manpower and other education programs.

[(2) The Commissioner shall directly, and through grants and contracts with public and private agencies, institutions and organizations, evaluate the effectiveness of programs conducted under section 304 of this Act.

[(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act and subject to appropriations under this section, the Director of the National Institute of Education, in consultation with the commissioner, shall directly, and through grants and contracts with public and private agencies, institutions, and organizations, carry out a program to conduct research on the special needs of individuals requiring adult education.

[(c) There are authorized to be appropriated for the purposes of this section $1,500,000 for the fiscal year ending September 30, 1980, $2,000,000 for the fiscal year ending September 30, 1981, and $3,000,000 for each succeeding fiscal year prior to October 1, 1983.]

RESEARCH, DEVELOPMENT, DEMONSTRATION, DISSEMINATION, AND EVALUATION

SEC. 309. (a)(1) The Secretary shall, with funds set aside under section 314(b), support applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States. The activities required by this subsection may include—

(A) improving adult education opportunities for elderly individuals and adult immigrants,

(B) evaluating educational technology and computer software suitable for providing instruction to adults, and

(C) supporting exemplary cooperative adult education programs which combine the resources of businesses, schools and community organizations.

(2)(A) The Secretary may support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals, including business concerns.

(B) Whenever the Secretary makes a grant or enters into a contract or cooperative agreement with any private for profit institution, agency, organization, individual, or business concern, the Secretary shall assure that participants in the program assisted under this subsection are not charged for their participation.

(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act, the Director of the National Institute of Education may, with funds available under that section or with funds set aside under section 314(b) of this Act, support research on the special needs of individuals requiring adult education. The Director may support such research directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.

USE OF FUNDS FOR SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

SEC. 310. Of the funds allotted to a State under section 305 for a fiscal year, not less than 10 per centum shall be used for—

(1) special projects which will be carried out in furtherance of the purposes of this title, and which—

(A) involve the use of innovative methods, including methods for educating persons of limited English-speaking ability, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or

(B) involve programs of adult education, including education for persons of limited English-speaking ability, which are part of community school programs, carried out in co-

operation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

(2) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title.

[SPECIAL PROJECTS FOR THE ELDERLY

[SEC. 311. (a) the Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

[(b) For the purpose of making grants under this section thee are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to October 1, 1983.

[(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.]

STATE ADVISORY COUNCILS

[SEC. 312. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

[(b)(1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

[(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 306;

(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

(C) prepare and submit to the State educational agency, and to the National Advisory Council on Adult Education established pursuant to section 311, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

[(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b)(1) of this section.

[(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

[(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.]

SEC. 311. Any State may use funds granted under section 304 to support a State advisory council which assists the State educational agency to plan, implement, or evaluate programs or activities assisted under this Act.

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. [313] *312.* (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the "Council").

(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, including education for persons of limited English-speaking ability in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, and persons representative of the general public. The Council shall meet initially at the call of the [Commissioner] *secretary* and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, [1984] *1989*.

(c) The Council shall advise the [Commissioner] *Secretary* in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section

306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of [Health,] Education [and Welfare] shall coordinate the work of the Council with that of other related advisory councils.

LIMITATION

SEC. [314] *313.* No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

APPROPRIATIONS AUTHORIZED

[SEC. 315. (a) The total amount of appropriations to carry out the Adult Education Act shall not exceed $100,000,000 for each of the fiscal years 1982, 1983, and 1984.

[(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for that year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title. The amount provided to a State under this subsection shall not be less than $50,000 for any fiscal year, except that such amount shall not be less than $25,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands].

SEC. 314. (a) For the purpose of carrying out this title there are authorized to be appropriated $140,000,000 for fiscal year 1985 and such sums as may be necessary for each of the four succeeding fiscal years.

(b)(1) From the amount appropriated pursuant to subsection (a) for any fiscal year the Secretary may set aside not to exceed 5 per centum of that amount for programs under section 309. The remainder of the amount appropriated in each fiscal year shall be available, for grants made under section 304.

(2) No set aside may be made pursuant to paragraph (1) of this subsection in any fiscal year in which the appropriations made pursuant to subsection (a) of this section is less than $112,000,000.

IMPROVEMENT AND EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

SEC. [316] *315.* (a) The [Commissioner] *Secretary* shall carry out a program of making grants to State and local educational agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians;

(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

The [Commissioner] *Secretary* is also authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

(c) The [Commissioner] *Secretary* is also authorized to make grants to, and contracts with, public agencies, and institutions, and Indian tribes, institutions, and organizations for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

(d) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the [Commissioner] *Secretary*. Such applications shall—

(1) set forth a statement describing the activities for which assistance is sought;

(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The [Commissioner] *Secretary* shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indi-

cate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the [Commissioner] *Secretary* shall give priority to applications from Indian educational agencies, organizations, and institutions.

(e) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the succeeding fiscal years ending prior to October 1, 1983.

ADULT EDUCATION PROGRAM FOR ADULT IMMIGRANTS

[SEC. 318. (a) The Commissioner is authorized to enter into grants and contracts with State and local education agencies and other public or private nonprofit agencies, organizations, or institutions to provide programs of adult education and adult basic education to immigrant adults in need of such services. Such grants and contracts may be used for—

[(1) programs of instruction of adult immigrants in basic reading, mathematics, development and enhancement of necessary skills, and promotion of literacy among adult immigrants for the purpose of enabling them to become productive members of American society;

[(2) administrative costs of planning and operating such programs of instruction;

[(3) educational support services which meet the need of adult immigrants including but not limited to guidance and counseling with regard to educational, career, and employment opportunities; and

[(4) special projects designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for individuals, particularly programs authorized under the Comprehensive Employment and Training Act of 1973 or under the Vocational Education Act of 1963.

[(b)(1) Any applicant for a grant or contract under this section shall first submit its application to the State educational agency. The State educational agency shall expeditiously review and make recommendations to the Commissioner regarding the quality of each such application, consistent with the purposes of section 306(b) (12) and (13) of this title. A copy of the recommendations made by the State educational agency shall be simultaneously submitted to the applicant.

[(2) Any applicant which has submitted an application in accordance with paragraph (1) of this subsection, which is dissatisfied with the action of the appropriate State educational agency may petition the Commissioner to request further consideration by the Commissioner of such application.

[(c) Applications for a grant or contract under this section shall be submitted at such time, in such manner, and contain such information as the Commissioner may reasonably require.

[(d) Notwithstanding the provisions of sections 305 and 307(a), the Commissioner shall pay all the costs of applications approved by him under this section.

[(e) Not less than 50 per centum of the funds appropriated under this section shall be used by the Commissioner to enter into contracts with private nonprofit agencies, organizations, and institutions.

[(f) For the purposes of making grants and entering into contracts under this section, there is hereby authorized to be appropriated such sums as may be necessary for fiscal year 1979 and each of the four succeeding fiscal years.]

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